

*Application No .09/721,904
Amendment dated September 14, 2005
Reply to Final Action of March 8, 2005*

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REMARKS/ARGUMENTS

Claims 170 to 176, 180, 199 to 202, 222, 223, and 226 to 230 are pending in the application.

Claims 256 to 312, previously withdrawn from consideration, have been cancelled.

Claim Amendments

Each independent claim, that is each of claims 170, 180, 199, 222, and 226, has been amended to require that the compound of the claim (or protein of the claim, as the case may be) be administered so as to directly expose the compound (or protein) to epithelial cells of the mammal.

Obvious clerical errors in claims 174 and 226 have been corrected.

No new matter has been added.

Claims Rejection - 35 USC § 103

All claims were rejected as being unpatentable over Diamond *et al.* in view of Julius. Applicants respectfully submit that the amendments made herein obviate the rejection of the claims.

The prior art teaches that CD14 must partner with LPS in biological processes involving epithelial cells. There is no suggestion in the art that CD14 can stimulate any cellular response in epithelial cells, particularly the expression of defensins, in the absence of LPS.

The claim amendment made herein, by requiring that the compound of the claim (or protein of the claim, as the case may be) be administered so as to directly expose the compound (or protein) to epithelial cells of the mammal requires that the administration does not involve partnering with LPS.

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Interview Summary

A telephone interview between the Examiner and the undersigned agent of the Applicants was conducted on September 14, 2005 in which the Examiner agreed with the above summary of the prior art and agreed to consider the amendments made herein.

A request for an extension of time and Notice of Appeal were submitted by the undersigned by facsimile on September 7, 2005.

In that all rejections raised in the outstanding Action have been satisfied, Applicants believe that the application is now in condition for allowance, and request same.

In the event that any issues remain, the Examiner is invited to communicate with the undersigned by email at jhunt@torys.com or to telephone the undersigned at (416) 865-8121 with any proposal to advance prosecution.

Yours very truly,



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Date

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